

REMARKS

This Response is submitted in reply to the Office Action dated July 19, 2004. Claims 1-15 are pending in the patent application. Claims 1, 5, 7, 9, 10 and 11 have been amended. No new matter has been added by any of the amendments made herein. Claims 1-15 were rejected under 35 U.S.C. § 102(b). Applicants respectfully submit, for the reasons set forth below that the rejections have been overcome or are improper. Accordingly, Applicants respectfully request reconsideration of the patentability of claims 1-20.

Claims 1-15 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,880,731 to Liles et al. ("*Liles*"). Applicants respectfully submit that *Liles* does not disclose all of the elements of Claims 1-15 for the following reasons.

The claimed invention is directed to an information processing device and method and recording medium for enabling a plurality of users to participate as avatars in a virtual space where the feeling expressions of an avatar corresponding to a user's conditions are managed. Specifically as defined by Claim 1, in one embodiment, the claimed invention is directed to an information processing device including a manager for managing data and feeling expressions of an avatar which correspond to a user's conditions. The managing data includes a plurality of conditions and a plurality of levels associated with each condition where each of the feeling expressions of the avatars are based on at least one of the conditions and at least one of the levels. The device also includes a storage area for storing data on image displays of the avatar which correspond to the feeling expressions. The device further includes a display controller for controlling the image displays of the avatars based on the data stored in the storage area. *Liles* does not disclose, teach or suggest these elements.

Liles is directed to a method of using avatars with automatic gesturing and bounded interaction in online chat sessions. Specifically, *Liles* is directed to a method for producing a gesture for an avatar that conveys an emotion, action or personality trait. (See the Abstract). Each avatar includes a bitmap file having a plurality of frames illustrating the avatar in different poses, actions and emotional states. Frames are displayed in rapid sequence with a script file to create an animation effecting each gesture. (Col. 7, lines 43-65). A selected gesture can be transmitted with a text message to convey the users emotional state. Additionally, *Liles* states that during an idle period or when an avatar is in a chat session, the avatar automatically initiates the animation associated with the avatar without any input by a player. (See the Abstract; Col. 9,

lines 15-32). Accordingly, the bitmap file aids in describing the emotional state or action on a computer screen.

Contrary to the claimed invention, *Liles* does not disclose, teach or suggest an information processing device for an avatar which includes a manager for managing data and feeling expressions of an avatar which correspond to a user's conditions where the managing data includes a plurality of conditions and a plurality of levels associated with each condition. *Liles* also does not disclose, teach or suggest feeling expressions for an avatar which are based on at least one condition or emotion and one of the levels described by the claimed invention. Therefore, contrary to the claimed invention, *Liles* does disclose, teach or suggest avatars having emotions which are based on different levels. Additionally, *Liles* does not disclose, teach or suggest providing avatars having emotions or feeling expressions which are based on the combination of a condition or emotion such as angry, sad or happy and a level associated with that condition such as high, medium and low.

For at least these reasons, amended Claim 1 and Claims 2-6 which depend from amended Claim 1, are each patentably distinguished over *Liles* and are in condition for allowance.

Claim 7 is directed to an information processing method for enabling a plurality of users to participate as respective avatars in a virtual space constructed on a network and having conversations with each other. This method includes certain similar elements to amended Claim 1. Therefore for the reasons provided above with respect to amended Claim 1, amended Claim 7 and Claim 8 which depends from amended Claim 7, are each patentably distinguished over *Liles* and are in condition for allowance.

Claim 9 is directed to a recording medium in which an information processing program is stored for executing steps to enable a plurality of users to participate as respective avatars in the virtual space constructed on a network. The information processing program of Claim 9 includes certain similar elements to amended claims 1 and 7. Therefore amended Claim 9 is patentably distinguished over *Liles* and in condition for allowance.

Amended Claim 10 is directed to a program for executing functions in a virtual space constructed on a network in which a plurality of users participate in its respective avatars and have conversations with other users. As described above, amended Claim 10 includes certain similar elements to amended Claim 1, amended Claim 7 and amended Claim 9. Therefore, for at

least the reasons provided above, amended Claim 10 is patentably distinguished over *Liles* and is in condition for allowance.

Amended Claim 11 is directed to a character device used in connection with the communication terminal device which jointly uses a virtual space with other communication terminal devices. Claim 11 includes certain similar elements to amended Claim 1 and the other independent claims. Therefore, amended Claim 11 and Claims 12-15, which depend from amended Claim 11, are each patentably distinguished over *Liles* and in condition for allowance.

In light of the above, Applicants respectfully submit that Claims 1-15 are patentable and non-obvious over the art of record because the cited reference, *Liles*, does not disclose, teach or suggest the claimed invention. Accordingly, Applicants respectfully request that Claims 1-15 be deemed allowable at this time and that a timely notice of allowance be issued in this case.

No fees are due in this case. If any other fees are due in connect with this application as a whole, the Patent Office is authorized to deduct the fees from Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. (112857-308) on the account statement.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY



Christopher S. Hermanson

Reg. No. 48,244

P.O. Box 1135

Chicago, Illinois 60690-1135

Phone: (312) 807-4225

Dated: October 19, 2004